



WEB COPY



W.P.(MD).No.26764 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.26764 of 2023

Mariya Thangaraj

.. Petitioner

Vs.

- 1.The State represented by its,
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort. St.George,
Chennai - 600 009.
- 2.The Deputy Inspector General of Police (Prison),
Madurai Range,
Madurai.
- 3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 2nd respondent in proceedings No.2113/உத2/2023 is illegal and quash the same and consequently directing the respondents to grant ordinary leave for 28 days without escort



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to the petitioner's son namely Johnsingh, S/o.Mariya Thangaraj, aged about 37 years life convict prisoner bearing Convict No.LCT.No.3652 detained at Central Prison, Palayamkottai.

For Petitioner : Mr.M.Thangadurai

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The father of the life convict, by name, Johnsingh, has filed this Writ Petition seeking a Writ of Certiorarified Mandamus being aggrieved by the rejection of his request to grant 28 days of ordinary leave to his son.

2. The impugned order passed by the second respondent dated 19.10.2023 reads as follows:

“On perusal of the proceedings of the Superintendent of Prison, Palayamkottai Central Prison, the request of the life convict No.3652, Johnsingh, S/o.Mariya Thangaraj, to grant ordinary leave is not considered favourably since the Probation Officer has not recommended for the same.”

Aggrieved by the rejection order dated 19.10.2023, the present Writ Petition is filed.



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3. The learned Additional Public Prosecutor appearing for the respondents submitted that at the time of considering the application, the victim's family and the convict's family were living in the same place and there was life threat to the convict and therefore, the Probation Officer did not give positive report for granting ordinary leave.

4. The learned counsel appearing for the petitioner submitted that now, the convict's family has shifted from Thisayanvilai, Tirunelveli District to Manapadu, Thoothukudi District, which is about 30 Km away and therefore, their request may be considered. Hence, the reason cited to reject the leave application does not survive any further.

5. The respondent Police was directed to verify whether the above statement is correct. Now a report has been filed by the respondents, which indicates that the convict's family has shifted to Manapadu, 30 Km away from the family of the victim.

6. In the light of the above changed circumstances, the petitioner is directed to give a fresh application to the respondents seeking for ordinary



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leave for his son and if any such application is filed, the same may be considered by the respondents and appropriate orders shall be passed within a period of thirty (30) days from the date of receipt of a copy of the application.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The Secretary to Government of Tamil Nadu,
The State,
Department of Home,
Fort. St.George, Chennai - 600 009.
- 2.The Deputy Inspector General of Police (Prison),
Madurai Range, Madurai.
- 3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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